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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/006,360      | 12/06/2001  | Shoji Kobayashi      | 10973-063001        | 1671             |

26211 7590 03/18/2004

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| EXAMINER |
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TSIDULKO, MARK

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/006,360

Applicant(s)

KOBAYASHI ET AL.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-13 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The submission of amendment filed on 1/08/04 is acknowledged. At this point all claims left unchanged and are at issue in the instant application.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is indefinite *what information* should has priority over *what information*?

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4, 8, 9, 11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (US 5,562,336).

Referring to Claim 1 Gotou discloses (Fig.3) a vehicle headlamp device having map information acquiring means for acquiring positional information on vehicle on a map and the

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environmental condition detection means for detecting an environmental condition of the road (col.4, lines 36-40).

Also it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to do perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

Referring to Claims 2, 3 Gotou discloses a vehicle headlamp device wherein a lane with respect to the road on which the vehicle is driven is detected (col.2, lines 52-62). It is understandable that the detected result can be only positive (good) or negative (bad).

Referring to Claim 4 Gotou discloses the instant claimed invention except for the light distribution control is performed by using the modified information.

The light distribution control is performed by using the modified information because:

both the present position information of a vehicle and environmental information should be acquired in a periodic manner (for example, on the order of 1 second). Environmental condition detecting means detects an environmental condition relating to a traveling road according image information and then this information is used by the map information means and goes to the light distribution control. It means that the information acquired by environmental condition detecting means every 1 second (second information) is different from the previous (first) information and every 1 second the light distribution control means uses a modified information.

Referring to Claim 8 Gotou discloses a vehicle headlamp device having a steering information (Fig.3, [22]).

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Referring to Claim 9 Gotou discloses a vehicle headlamp device wherein the light distribution control means controls driving means which controls an optical axis of the head lamp )col.2, lines 38-51).

Referring to Claims 11, 12 Gotou discloses a vehicle headlamp device wherein the control means controls an optical axis of the lamp in a lateral direction and area ahead of the vehicle (Abstract).

Referring to Claim 13 Gotou discloses a vehicle headlamp device wherein the control means controls to irradiate a lane mark near the vehicle (claims 8, 10).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (US 5,562,336) in view of Stam et al. (U.S. 5,837,994).

Gotou discloses a vehicle headlight control system having a light distribution control means.

Gotou discloses the instant claimed invention except for the light distribution control means controls an infrared lamp.

Stam et al. discloses (Fig.5) the light distribution control unit [201] that controls the infrared lamps [206] (col.3, lines 48-56). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the light distribution control unit of Stam et al. for the device of Gotou in order to control emitting of infrared ray.

***Allowable Subject Matter***

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to Claim 5 the prior art of record fails to show that when detection capability of the imaging unit, which forms an image ahead of the vehicle, is low, light distribution control means performs light distribution control over the headlamp according to information derived from the map information acquiring means.

***Response to Arguments***

Applicant's arguments filed 1/8/04 have been fully considered but they are not persuasive.

Applicant argues that the Gotou ('336) reference does not show that the navigation system uses the map information to control the light distribution.

In response, the Examiner would like to direct the Applicant's attention to the fact, that in accordance with Fig.3 navigation system [31] does not control the light distribution itself. As clearly shown on Fig.3 the light distribution control (ECU) [20] used the information of navigation system, which includes a map information [35] for light distribution control.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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M.T.

January 6, 2004



**ALAN CARIASO**  
**PRIMARY EXAMINER**